

2SHB 2782 - H AMD 1131

By Representative Dammeier

NOT ADOPTED 2/12/2010

1 Strike everything after the enacting clause and insert the
2 following:

3

4 "Sec. 1. RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each
5 amended to read as follows:

6 For the purposes of this title, unless the context indicates
7 otherwise, the following definitions shall apply:

8 (1) "Public assistance" or "assistance"--Public aid to persons in
9 need thereof for any cause, including services, medical care,
10 assistance grants, disbursing orders, work relief, general assistance
11 and federal-aid assistance.

12 (2) "Department"--The department of social and health services.

13 (3) "County or local office"--The administrative office for one or
14 more counties or designated service areas.

15 (4) "Director" or "secretary" means the secretary of social and
16 health services.

17 (5) "Federal-aid assistance"--The specific categories of
18 assistance for which provision is made in any federal law existing or
19 hereafter passed by which payments are made from the federal
20 government to the state in aid or in respect to payment by the state
21 for public assistance rendered to any category of needy persons for
22 which provision for federal funds or aid may from time to time be
23 made, or a federally administered needs-based program.

24 (6) ~~((a) "General assistance"--Aid to persons in need who:~~
25 ~~—(i) Are not eligible to receive federal aid assistance, other than~~
26 ~~food stamps or food stamp benefits transferred electronically and~~
27 ~~medical assistance; however, an individual who refuses or fails to~~

1 ~~cooperate in obtaining federal aid assistance, without good cause, is~~
2 ~~not eligible for general assistance;~~
3 ~~—— (ii) Meet one of the following conditions:~~
4 ~~—— (A) Pregnant: PROVIDED, That need is based on the current income~~
5 ~~and resource requirements of the federal temporary assistance for~~
6 ~~needy families program; or~~
7 ~~—— (B) Subject to chapter 165, Laws of 1992, incapacitated from~~
8 ~~gainful employment by reason of bodily or mental infirmity that will~~
9 ~~likely continue for a minimum of ninety days as determined by the~~
10 ~~department.~~
11 ~~—— (C) Persons who are unemployable due to alcohol or drug addiction~~
12 ~~are not eligible for general assistance. Persons receiving general~~
13 ~~assistance on July 26, 1987, or becoming eligible for such assistance~~
14 ~~thereafter, due to an alcohol or drug related incapacity, shall be~~
15 ~~referred to appropriate assessment, treatment, shelter, or~~
16 ~~supplemental security income referral services as authorized under~~
17 ~~chapter 74.50 RCW. Referrals shall be made at the time of application~~
18 ~~or at the time of eligibility review. Alcoholic and drug addicted~~
19 ~~clients who are receiving general assistance on July 26, 1987, may~~
20 ~~remain on general assistance if they otherwise retain their~~
21 ~~eligibility until they are assessed for services under chapter 74.50~~
22 ~~RCW. Subsection (6)(a)(ii)(B) of this section shall not be construed~~
23 ~~to prohibit the department from granting general assistance benefits~~
24 ~~to alcoholics and drug addicts who are incapacitated due to other~~
25 ~~physical or mental conditions that meet the eligibility criteria for~~
26 ~~the general assistance program;~~
27 ~~—— (iii) Are citizens or aliens lawfully admitted for permanent~~
28 ~~residence or otherwise residing in the United States under color of~~
29 ~~law; and~~
30 ~~—— (iv) Have furnished the department their social security account~~
31 ~~number. If the social security account number cannot be furnished~~
32 ~~because it has not been issued or is not known, an application for a~~
33 ~~number shall be made prior to authorization of assistance, and the~~
34 ~~social security number shall be provided to the department upon~~

1 receipt.

2 ~~—— (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),~~
3 ~~and (c) of this section, general assistance shall be provided to the~~
4 ~~following recipients of federal aid assistance:~~

5 ~~—— (i) Recipients of supplemental security income whose need, as~~
6 ~~defined in this section, is not met by such supplemental security~~
7 ~~income grant because of separation from a spouse; or~~

8 ~~—— (ii) To the extent authorized by the legislature in the biennial~~
9 ~~appropriations act, to recipients of temporary assistance for needy~~
10 ~~families whose needs are not being met because of a temporary~~
11 ~~reduction in monthly income below the entitled benefit payment level~~
12 ~~caused by loss or reduction of wages or unemployment compensation~~
13 ~~benefits or some other unforeseen circumstances. The amount of~~
14 ~~general assistance authorized shall not exceed the difference between~~
15 ~~the entitled benefit payment level and the amount of income actually~~
16 ~~received.~~

17 ~~—— (c) General assistance shall be provided only to persons who are~~
18 ~~not members of assistance units receiving federal aid assistance,~~
19 ~~except as provided in subsection (6)(a)(ii)(A) and (b) of this~~
20 ~~section, and will accept available services which can reasonably be~~
21 ~~expected to enable the person to work or reduce the need for~~
22 ~~assistance unless there is good cause to refuse. Failure to accept~~
23 ~~such services shall result in termination until the person agrees to~~
24 ~~cooperate in accepting such services and subject to the following~~
25 ~~maximum periods of ineligibility after reapplication:~~

26 ~~—— (i) First failure: One week;~~

27 ~~—— (ii) Second failure within six months: One month;~~

28 ~~—— (iii) Third and subsequent failure within one year: Two months.~~

29 ~~—— (d) Persons found eligible for general assistance based on~~
30 ~~incapacity from gainful employment may, if otherwise eligible, receive~~
31 ~~general assistance pending application for federal supplemental~~
32 ~~security income benefits. Any general assistance that is subsequently~~
33 ~~duplicated by the person's receipt of supplemental security income for~~
34 ~~the same period shall be considered a debt due the state and shall by~~

1 ~~operation of law be subject to recovery through all available legal~~
2 ~~remedies.~~

3 ~~— (e) The department shall adopt by rule medical criteria for~~
4 ~~general assistance eligibility to ensure that eligibility decisions~~
5 ~~are consistent with statutory requirements and are based on clear,~~
6 ~~objective medical information.~~

7 ~~— (f) The process implementing the medical criteria shall involve~~
8 ~~consideration of opinions of the treating or consulting physicians or~~
9 ~~health care professionals regarding incapacity, and any eligibility~~
10 ~~decision which rejects uncontroverted medical opinion must set forth~~
11 ~~clear and convincing reasons for doing so.~~

12 ~~— (g) Recipients of general assistance based upon a finding of~~
13 ~~incapacity from gainful employment who remain otherwise eligible shall~~
14 ~~have their benefits discontinued unless the recipient demonstrates no~~
15 ~~material improvement in their medical or mental condition.— The~~
16 ~~department may discontinue benefits when there was specific error in~~
17 ~~the prior determination that found the recipient eligible by reason of~~
18 ~~incapacitation.— Recipients of general assistance based upon pregnancy~~
19 ~~who relinquish their child for adoption, remain otherwise eligible,~~
20 ~~and are not eligible to receive benefits under the federal temporary~~
21 ~~assistance for needy families program shall not have their benefits~~
22 ~~terminated until the end of the month in which the period of six weeks~~
23 ~~following the birth of the recipient's child falls.— Recipients of the~~
24 ~~federal temporary assistance for needy families program who lose their~~
25 ~~eligibility solely because of the birth and relinquishment of the~~
26 ~~qualifying child may receive general assistance through the end of the~~
27 ~~month in which the period of six weeks following the birth of the~~
28 ~~child falls.~~

29 ~~— (h) No person may be considered an eligible individual for general~~
30 ~~assistance with respect to any month if during that month the person:~~

31 ~~— (i) Is fleeing to avoid prosecution of, or to avoid custody or~~
32 ~~confinement for conviction of, a felony, or an attempt to commit a~~
33 ~~felony, under the laws of the state of Washington or the place from~~
34 ~~which the person flees; or~~

1 ~~---(ii) Is violating a condition of probation, community supervision,~~
2 ~~or parole imposed under federal or state law for a felony or gross~~
3 ~~misdemeanor conviction.~~

4 ~~---(7))~~ "Applicant"--Any person who has made a request, or on behalf
5 of whom a request has been made, to any county or local office for
6 assistance.

7 ~~((+8))~~ (7) "Recipient"--Any person receiving assistance and in
8 addition those dependents whose needs are included in the recipient's
9 assistance.

10 ~~((+9))~~ (8) "Standards of assistance"--The level of income
11 required by an applicant or recipient to maintain a level of living
12 specified by the department.

13 ~~((+10))~~ (9) "Resource"--Any asset, tangible or intangible, owned
14 by or available to the applicant at the time of application, which can
15 be applied toward meeting the applicant's need, either directly or by
16 conversion into money or its equivalent. The department may by rule
17 designate resources that an applicant may retain and not be ineligible
18 for public assistance because of such resources. Exempt resources
19 shall include, but are not limited to:

20 (a) A home that an applicant, recipient, or their dependents is
21 living in, including the surrounding property;

22 (b) Household furnishings and personal effects;

23 (c) A motor vehicle, other than a motor home, used and useful
24 having an equity value not to exceed five thousand dollars;

25 (d) A motor vehicle necessary to transport a ~~((physically~~
26 ~~disabled))~~ household member with a physical disability. This
27 exclusion is limited to one vehicle per ~~((physically disabled))~~ person
28 with a physical disability;

29 (e) All other resources, including any excess of values exempted,
30 not to exceed one thousand dollars or other limit as set by the
31 department, to be consistent with limitations on resources and
32 exemptions necessary for federal aid assistance. The department shall
33 also allow recipients of temporary assistance for needy families to
34

1 exempt savings accounts with combined balances of up to an additional
2 three thousand dollars;

3 (f) Applicants for or recipients of ~~((general assistance))~~
4 temporary assistance for unemployable persons and assistance for the
5 aged, blind, and disabled shall have their eligibility based on
6 resource limitations consistent with the temporary assistance for
7 needy families program rules adopted by the department; and

8 (g) If an applicant for or recipient of public assistance
9 possesses property and belongings in excess of the ceiling value, such
10 value shall be used in determining the need of the applicant or
11 recipient, except that: (i) The department may exempt resources or
12 income when the income and resources are determined necessary to the
13 applicant's or recipient's restoration to independence, to decrease
14 the need for public assistance, or to aid in rehabilitating the
15 applicant or recipient or a dependent of the applicant or recipient;
16 and (ii) the department may provide grant assistance for a period not
17 to exceed nine months from the date the agreement is signed pursuant
18 to this section to persons who are otherwise ineligible because of
19 excess real property owned by such persons when they are making a good
20 faith effort to dispose of that property: PROVIDED, That:

21 (A) The applicant or recipient signs an agreement to repay the
22 lesser of the amount of aid received or the net proceeds of such sale;

23 (B) If the owner of the excess property ceases to make good faith
24 efforts to sell the property, the entire amount of assistance may
25 become an overpayment and a debt due the state and may be recovered
26 pursuant to RCW 43.20B.630;

27 (C) Applicants and recipients are advised of their right to a fair
28 hearing and afforded the opportunity to challenge a decision that good
29 faith efforts to sell have ceased, prior to assessment of an
30 overpayment under this section; and

31 (D) At the time assistance is authorized, the department files a
32 lien without a sum certain on the specific property.

33 ~~((11))~~ (10) "Income"--(a) All appreciable gains in real or
34 personal property (cash or kind) or other assets, which are received

1 by or become available for use and enjoyment by an applicant or
2 recipient during the month of application or after applying for or
3 receiving public assistance. The department may by rule and
4 regulation exempt income received by an applicant for or recipient of
5 public assistance which can be used by him or her to decrease his or
6 her need for public assistance or to aid in rehabilitating him or her
7 or his or her dependents, but such exemption shall not, unless
8 otherwise provided in this title, exceed the exemptions of resources
9 granted under this chapter to an applicant for public assistance. In
10 addition, for cash assistance the department may disregard income
11 pursuant to RCW 74.08A.230 and 74.12.350.

12 (b) If, under applicable federal requirements, the state has the
13 option of considering property in the form of lump sum compensatory
14 awards or related settlements received by an applicant or recipient as
15 income or as a resource, the department shall consider such property
16 to be a resource.

17 ~~((+12))~~ (11) "Need"--The difference between the applicant's or
18 recipient's standards of assistance for himself or herself and the
19 dependent members of his or her family, as measured by the standards
20 of the department, and value of all nonexempt resources and nonexempt
21 income received by or available to the applicant or recipient and the
22 dependent members of his or her family.

23 ~~((+13))~~ (12) For purposes of determining eligibility for public
24 assistance and participation levels in the cost of medical care, the
25 department shall exempt restitution payments made to people of
26 Japanese and Aleut ancestry pursuant to the Civil Liberties Act of
27 1988 and the Aleutian and Pribilof Island Restitution Act passed by
28 congress, P.L. 100-383, including all income and resources derived
29 therefrom.

30 ~~((+14))~~ (13) In the construction of words and phrases used in
31 this title, the singular number shall include the plural, the
32 masculine gender shall include both the feminine and neuter genders
33 and the present tense shall include the past and future tenses, unless
34 the context thereof shall clearly indicate to the contrary.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.08 RCW
2 to read as follows:

3 (1) To the extent that funds are appropriated for the particular
4 purposes of temporary assistance for unemployable persons, temporary
5 assistance for unemployable persons may be provided to persons in need
6 who:

7 (a) Are not eligible to receive federal-aid assistance, other than
8 medical assistance or supplemental nutrition assistance program
9 benefits. However, an individual who refuses or fails to cooperate in
10 obtaining federal-aid assistance, without good cause, is not eligible
11 for temporary assistance for unemployable persons;

12 (b) Meet the following requirements:

13 (i) Are pregnant, if the need is based on the current income and
14 resource requirements of the federal temporary assistance for needy
15 families program;

16 (ii) Are determined by the department to be incapacitated from
17 gainful employment by reason of physical or mental impairment that
18 will likely continue for a minimum of ninety days and do not qualify
19 for state assistance for the aged, blind, and disabled under section 3
20 of this act; or

21 (iii) Are determined by the department to be incapacitated from
22 gainful employment solely by reason of drug or alcohol dependency,
23 which incapacity will likely continue for a minimum of ninety days;

24 (c) Are citizens or aliens lawfully admitted for permanent
25 residence or otherwise residing in the United States under color of
26 law;

27 (d) Have furnished the department their social security account
28 number. If the social security account number cannot be furnished
29 because it has not been issued or is not known, an application for a
30 number shall be made prior to authorization of assistance, and the
31 social security number shall be provided to the department upon
32 receipt; and

33 (e) Have not refused or failed without good cause to participate
34 in drug or alcohol treatment if an assessment by a certified chemical

1 dependency counselor indicates a need for such treatment. Good cause
2 may be found to exist when a person's physical or mental condition, as
3 determined by the department, prevents the person from participating
4 in drug or alcohol dependency treatment. However, good cause does not
5 exist if the person is not able to participate because drug or alcohol
6 dependency treatment is not available.

7 (2) Assistance under subsection (1)(b)(i) of this section shall be
8 provided only to persons who accept available services that can
9 reasonably be expected to enable the person to work or reduce the need
10 for assistance. Failure to accept such services without good cause
11 shall result in termination. After reapplication and agreeing to
12 cooperate in accepting such services, the person shall be subject to
13 the following periods of ineligibility:

14 (a) First failure: One week;

15 (b) Second failure within six months of first failure: One month;

16 (c) Third and subsequent failure within one year of first failure:
17 Two months.

18 (3) Persons found eligible for temporary assistance for the
19 unemployable may, if otherwise eligible, receive assistance pending a
20 final determination of eligibility for federal supplemental security
21 income benefits. Any assistance that is subsequently duplicated by
22 the person's receipt of supplemental security income for the same
23 period shall be considered a debt due the state and shall by operation
24 of law be subject to recovery through all available legal remedies.
25 Persons found eligible for temporary assistance for unemployable
26 persons may, if otherwise eligible, receive assistance under this
27 section pending a final determination regarding the client's
28 eligibility for state assistance under section 3 of this act. Any
29 assistance received under this section shall be credited and deducted
30 from any assistance the client is subsequently determined eligible to
31 receive under section 3 of this act during any same period.

32 (4) The department shall adopt rules consistent with the statutory
33 requirements of this title that are necessary for the administration
34 of the temporary assistance for unemployable persons program.

1 (a) For assistance under subsection (1)(b)(i) of this section,
2 such rules shall include medical criteria necessary to ensure that
3 incapacity decisions are based on clear, objective medical
4 information.

5 (i) The process implementing the medical criteria shall involve
6 consideration of opinions of the treating or consulting physicians or
7 health care professionals regarding incapacity and any eligibility
8 decision which rejects uncontroverted medical opinion must set forth
9 clear and convincing reasons for doing so.

10 (ii) The department shall adopt by rule criteria for conducting
11 periodic reviews of the eligibility of recipients of temporary
12 assistance for unemployable persons. The department may discontinue
13 benefits if a recipient is unable to demonstrate that his or her
14 medical or mental impairment continues to meet the criteria
15 established under this subsection or when there was a specific error
16 in the prior incapacity decision.

17 (b) For assistance under subsection (1)(b)(ii) of this section,
18 the department shall provide client assessment, treatment, and support
19 services. The assessment shall include diagnostic evaluation and
20 arranging for admission into treatment and supported living programs.
21 The department shall base its determination of incapacity due to drug
22 or alcohol dependency on documented evidence by a drug or alcohol
23 treatment professional who is determined by the department to be
24 qualified to make this finding.

25 (5) A person may not be considered an eligible individual for
26 temporary assistance for the unemployable with respect to any month if
27 during that month the person:

28 (a) Is fleeing to avoid prosecution of, or to avoid custody or
29 confinement for conviction of, a felony, or an attempt to commit a
30 felony, under the laws of the state of Washington or the place from
31 which the person flees; or

32 (b) Is violating a condition of probation, community supervision,
33 or parole imposed under federal or state law for a felony or gross
34 misdemeanor conviction.

1 (6) In order to administer the program within the funds
2 appropriated for temporary assistance for unemployable persons, the
3 department may by rule establish methods to limit the number of
4 recipients of such assistance. These methods may include a limit on
5 the number of months a person may receive such assistance or a freeze
6 on new enrollment in the program. In determining the number of months
7 a person may receive temporary assistance for unemployable persons,
8 the department may include months the person received general
9 assistance or medical care services based on eligibility for drug or
10 alcohol dependency services prior to the effective date of this act.
11 In order to rationally allocate drug and alcohol dependency treatment
12 services, the department may establish by rule additional eligibility
13 criteria, including the setting of priorities among classes of persons
14 found incapacitated under subsection (1)(b)(ii) of this section for
15 treatment services. Such rules shall give first priority for
16 treatment services to pregnant women and parents of young children.

17

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.08 RCW
19 to read as follows:

20 (1) The assistance for the aged, blind, and disabled program shall
21 provide income assistance for persons in need who:

22 (a) Are not eligible to receive federal-aid assistance, other than
23 medical assistance or supplemental nutrition assistance program
24 benefits. However, an individual who refuses or fails to cooperate in
25 obtaining federal-aid assistance, without good cause, is not eligible
26 for assistance for the aged, blind, and disabled; and

27 (b) Meet the following requirements:

28 (i) Are residents of a long-term care facility or who have been
29 determined by the department to be aged, blind, or disabled based on
30 age, blindness, and disability standards used to establish eligibility
31 for supplemental security income under Title XVI of the federal social
32 security act;

33

34

1 (ii) Are citizens or aliens lawfully admitted for permanent
2 residence or otherwise residing in the United States under color of
3 law;

4 (iii) Have furnished the department their social security account
5 number. If the social security account number cannot be furnished
6 because it has not been issued or is not known, an application for a
7 number shall be made prior to authorization of assistance, and the
8 social security number shall be provided to the department upon
9 receipt; and

10 (iv) Have not refused or failed without good cause to participate
11 in drug or alcohol treatment if an assessment by a certified chemical
12 dependency counselor indicates a need for such treatment.

13 (2) Assistance shall be provided only to persons who will accept
14 available services that can reasonably be expected to reduce the need
15 for assistance. Failure to accept such services without good cause
16 shall result in termination. After reapplication and agreeing to
17 cooperate in accepting such services, the person shall be subject to
18 the following maximum periods of ineligibility:

19 (a) First failure: One week;

20 (b) Second failure within six months of first failure: One month;

21 (c) Third and subsequent failure within one year of first failure:
22 Two months.

23 (3) The department shall adopt rules consistent with the statutory
24 requirements of this title that are necessary for the administration
25 of the assistance for the aged, blind, and disabled program. Such
26 rules shall include medical criteria for disability and blindness
27 determinations to ensure that eligibility decisions are consistent
28 with federal statutory requirements for the supplemental security
29 income program and are based on clear, objective medical information.

30 (4) The department shall by rule adopt criteria for conducting
31 periodic reviews of the eligibility of recipients of assistance for
32 the aged, blind, and disabled whose eligibility is based on a
33 determination of blindness or disability. The department may
34 discontinue such benefits if it determines the recipient's medical or

1 mental impairment no longer meets the criteria established under
2 subsection (3) of this section or when there was specific error in the
3 prior determination of disability or blindness. If benefits are
4 discontinued under this subsection, the department shall redetermine
5 the person's eligibility for temporary assistance for unemployable
6 persons under section 2 of this act.

7 (5)(a) Notwithstanding the provisions of subsection (1) of this
8 section, persons who appear eligible to receive supplemental security
9 income under Title XVI of the federal social security act may, if
10 otherwise eligible, receive interim assistance for the aged, blind,
11 and disabled pending final determination on an application for federal
12 supplemental security income benefits, as provided for in RCW
13 74.04.620. Upon a final determination of eligibility by the social
14 security administration, interim assistance for the aged, blind, and
15 disabled will cease. Any assistance that is subsequently duplicated
16 by the person's receipt of supplemental security income for the same
17 period shall be considered a debt due the state and shall by operation
18 of law be subject to recovery through all available legal remedies.

19 (b) If a person has been denied interim assistance to the aged,
20 blind, and disabled under this subsection and has not been found by
21 the social security administration to be eligible for supplemental
22 security income, the department shall determine the person's
23 eligibility for temporary assistance for unemployable persons under
24 section 2 of this act.

25 (6) A person may not be considered an eligible individual for
26 assistance to the aged, blind, and disabled with respect to any month
27 if during that month the person:

28 (a) Is fleeing to avoid prosecution of, or to avoid custody or
29 confinement for conviction of, a felony, or an attempt to commit a
30 felony, under the laws of the state of Washington or the place from
31 which the person flees; or

32 (b) Is violating a condition of probation, community supervision,
33 or parole imposed under federal or state law for a felony or gross
34 misdemeanor conviction.

1 **Sec. 4.** RCW 74.04.230 and 1982 c 204 s 16 are each amended to
2 read as follows:

3 Persons eligible for (~~general assistance under RCW 74.04.005~~)
4 temporary assistance for unemployable persons under section 2 of this
5 act and assistance for the aged, blind, and disabled under section 3
6 of this act are eligible for mental health services to the extent that
7 they meet the client definitions and priorities established by chapter
8 71.24 RCW.

9
10 **Sec. 5.** RCW 74.04.266 and 1977 ex.s. c 215 s 1 are each amended
11 to read as follows:

12 In determining need for (~~general~~) temporary assistance for
13 unemployable persons as defined in (~~RCW 74.04.005(6)(a)~~) section 2
14 of this act and assistance for the aged, blind, and disabled as
15 defined in section 3 of this act, the department may by rule and
16 regulation establish a monthly earned income exemption in an amount
17 not to exceed the exemption allowable under disability programs
18 authorized in Title XVI of the federal social security act.

19
20 **Sec. 6.** RCW 74.04.620 and 1983 1st ex.s. c 41 s 37 are each
21 amended to read as follows:

22 (1) The department is authorized to establish a program of state
23 supplementation to the national program of supplemental security
24 income consistent with Public Law 92-603 and Public Law 93-66 to those
25 persons who are in need thereof in accordance with eligibility
26 requirements established by the department.

27 (2) The department is authorized to establish reasonable standards
28 of assistance and resource and income exemptions specifically for such
29 program of state supplementation which shall be consistent with the
30 provisions of the Social Security Act.

31 (3) The department is authorized to make payments to applicants
32 for supplemental security income, pursuant to agreements as provided
33 in Public Law 93-368, (~~who are otherwise eligible~~) but for (~~general~~
34 ~~assistance~~) their eligibility to receive supplemental security income

1 would receive temporary assistance for unemployable persons and
2 assistance for the aged, blind, and disabled, as provided in section 3
3 of this act.

4 (4) Any agreement between the department and a supplemental
5 security income applicant providing for the reimbursement of interim
6 assistance to the department shall provide, if the applicant has been
7 represented by an attorney, that twenty-five percent of the
8 reimbursement received shall be withheld by the department and all or
9 such portion thereof as has been approved as a fee by the United
10 States department of health and human services shall be released
11 directly to the applicant's attorney. The secretary may maintain such
12 records as are deemed appropriate to measure the cost and
13 effectiveness of such agreements and may make recommendations
14 concerning the continued use of such agreements to the legislature.

15
16 **Sec. 7.** RCW 74.09.035 and 1987 c 406 s 12 are each amended to
17 read as follows:

18 (1) To the extent of available funds, medical care services may be
19 provided to recipients of (~~general~~) temporary assistance for
20 unemployable persons chapter 74.08 RCW, assistance for the aged,
21 blind, and disabled under chapter 74.08 RCW, and recipients of alcohol
22 and drug addiction services provided under chapter 74.50 RCW, in
23 accordance with medical eligibility requirements established by the
24 department.

25 (2) (~~Determination of~~) In order to administer the program within
26 the funds appropriated for medical care services for recipients of
27 temporary assistance for unemployable persons, assistance for the
28 aged, blind, and disabled, or alcohol or drug dependency or abuse
29 services, the department may impose limitations on the amount, scope,
30 and duration of medical care services (~~shall be limited to coverage~~
31 ~~as defined by the department, except that~~) provided to recipients may
32 limit the number of persons receiving medical care services, and may
33 limit the number of months of coverage. However, adult dental((τ))

1 and routine foot care shall not be included unless there is a specific
2 appropriation for these services.

3 (3) The department shall establish standards of assistance and
4 resource and income exemptions, which may include deductibles and co-
5 insurance provisions. In addition, the department may include a
6 prohibition against the voluntary assignment of property or cash for
7 the purpose of qualifying for assistance.

8 (4) Residents of skilled nursing homes, intermediate care
9 facilities, and intermediate care facilities for the mentally retarded
10 who are eligible for medical care services shall be provided medical
11 services to the same extent as provided to those persons eligible
12 under the medical assistance program.

13 (5) Payments made by the department under this program shall be
14 the limit of expenditures for medical care services solely from state
15 funds.

16 (6) Eligibility for medical care services shall commence with the
17 date of certification for (~~general assistance~~) temporary assistance
18 for unemployable persons or assistance for the aged, blind, and
19 disabled under chapter 74.08 RCW or the date of eligibility for
20 alcohol and drug addiction services provided under chapter 74.50 RCW.

21
22 **Sec. 8.** RCW 74.09.010 and 2007 c 3 s 2 are each amended to read
23 as follows:

24 As used in this chapter:

25 (1) "Children's health program" means the health care services
26 program provided to children under eighteen years of age and in
27 households with incomes at or below the federal poverty level as
28 annually defined by the federal department of health and human
29 services as adjusted for family size, and who are not otherwise
30 eligible for medical assistance or the limited casualty program for
31 the medically needy.

32 (2) "Committee" means the children's health services committee
33 (~~created in section 3 of this act~~).

34

1 (3) "County" means the board of county commissioners, county
2 council, county executive, or tribal jurisdiction, or its designee. A
3 combination of two or more county authorities or tribal jurisdictions
4 may enter into joint agreements to fulfill the requirements of RCW
5 74.09.415 through 74.09.435.

6 (4) "Department" means the department of social and health
7 services.

8 (5) "Department of health" means the Washington state department
9 of health created pursuant to RCW 43.70.020.

10 (6) "Internal management" means the administration of medical
11 assistance, medical care services, the children's health program, and
12 the limited casualty program.

13 (7) "Limited casualty program" means the medical care program
14 provided to medically needy persons as defined under Title XIX of the
15 federal social security act, and to medically indigent persons who are
16 without income or resources sufficient to secure necessary medical
17 services.

18 (8) "Medical assistance" means the federal aid medical care
19 program provided to categorically needy persons as defined under Title
20 XIX of the federal social security act.

21 (9) "Medical care services" means the limited scope of care
22 financed by state funds and provided to ~~((general assistance~~
23 ~~recipients))~~ temporary assistance for unemployed recipients under
24 chapter 74.08 RCW, assistance for aged, blind, and disabled recipients
25 under chapter 74.08 RCW, and recipients of alcohol and drug addiction
26 services provided under chapter 74.50 RCW.

27 (10) "Nursing home" means nursing home as defined in RCW
28 18.51.010.

29 (11) "Poverty" means the federal poverty level determined annually
30 by the United States department of health and human services, or
31 successor agency.

32 (12) "Secretary" means the secretary of social and health
33 services.

34

1 (13) "Full benefit dual eligible beneficiary" means an individual
2 who, for any month: Has coverage for the month under a medicare
3 prescription drug plan or medicare advantage plan with part D
4 coverage; and is determined eligible by the state for full medicaid
5 benefits for the month under any eligibility category in the state's
6 medicaid plan or a section 1115 demonstration waiver that provides
7 pharmacy benefits.

8

9 **Sec. 9.** RCW 74.09.555 and 2005 c 503 s 12 are each amended to
10 read as follows:

11 (1) The department shall adopt rules and policies providing that
12 when persons with a mental disorder, who were enrolled in medical
13 assistance immediately prior to confinement, are released from
14 confinement, their medical assistance coverage will be fully
15 reinstated on the day of their release, subject to any expedited
16 review of their continued eligibility for medical assistance coverage
17 that is required under federal or state law.

18 (2) The department, in collaboration with the Washington
19 association of sheriffs and police chiefs, the department of
20 corrections, and the regional support networks, shall establish
21 procedures for coordination between department field offices,
22 institutions for mental disease, and correctional institutions, as
23 defined in RCW 9.94.049, that result in prompt reinstatement of
24 eligibility and speedy eligibility determinations for persons who are
25 likely to be eligible for medical assistance services upon release
26 from confinement. Procedures developed under this subsection must
27 address:

28 (a) Mechanisms for receiving medical assistance services
29 applications on behalf of confined persons in anticipation of their
30 release from confinement;

31 (b) Expeditious review of applications filed by or on behalf of
32 confined persons and, to the extent practicable, completion of the
33 review before the person is released;

34

1 (c) Mechanisms for providing medical assistance services identity
2 cards to persons eligible for medical assistance services immediately
3 upon their release from confinement; and

4 (d) Coordination with the federal social security administration,
5 through interagency agreements or otherwise, to expedite processing of
6 applications for federal supplemental security income or social
7 security disability benefits, including federal acceptance of
8 applications on behalf of confined persons.

9 (3) Where medical or psychiatric examinations during a person's
10 confinement indicate that the person is disabled, the correctional
11 institution or institution for mental diseases shall provide the
12 department with that information for purposes of making medical
13 assistance eligibility and enrollment determinations prior to the
14 person's release from confinement. The department shall, to the
15 maximum extent permitted by federal law, use the examination in making
16 its determination whether the person is disabled and eligible for
17 medical assistance.

18 (4) For purposes of this section, "confined" or "confinement"
19 means incarcerated in a correctional institution, as defined in RCW
20 9.94.049, or admitted to an institute for mental disease, as defined
21 in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

22 (5) For purposes of this section, "likely to be eligible" means
23 that a person:

24 (a) Was enrolled in medicaid or supplemental security income or
25 (~~general assistance~~) temporary assistance for unemployed recipients
26 under chapter 74.08 RCW, or assistance for aged, blind, and disabled
27 recipients under chapter 74.08 RCW immediately before he or she was
28 confined and his or her enrollment was terminated during his or her
29 confinement; or

30 (b) Was enrolled in medicaid or supplemental security income or
31 (~~general assistance~~) temporary assistance for unemployed recipients
32 under chapter 74.08 RCW, or assistance for aged, blind, and disabled
33 recipients under chapter 74.08 RCW at any time during the five years
34 before his or her confinement, and medical or psychiatric examinations

1 during the person's confinement indicate that the person continues to
2 be disabled and the disability is likely to last at least twelve
3 months following release.

4 (6) The economic services administration shall adopt standardized
5 statewide screening and application practices and forms designed to
6 facilitate the application of a confined person who is likely to be
7 eligible for medicaid.

8
9 **Sec. 10.** RCW 74.50.060 and 1989 1st ex.s. c 18 s 3 are each
10 amended to read as follows:

11 (1) The department shall establish a shelter assistance program to
12 provide, within available funds, shelter for persons eligible under
13 this chapter. "Shelter," "shelter support," or "shelter assistance"
14 means a facility under contract to the department providing room and
15 board in a supervised living arrangement, normally in a group or
16 dormitory setting, to eligible recipients under this chapter. This
17 may include supervised domiciliary facilities operated under the
18 auspices of public or private agencies. No facility under contract to
19 the department shall allow the consumption of alcoholic beverages on
20 the premises. The department may contract with counties and cities
21 for such shelter services. To the extent possible, the department
22 shall not displace existing emergency shelter beds for use as shelter
23 under this chapter. In areas of the state in which it is not feasible
24 to develop shelters, due to low numbers of people needing shelter
25 services, or in which sufficient numbers of shelter beds are not
26 available, the department may provide shelter through an intensive
27 protective payee program, unless the department grants an exception on
28 an individual basis for less intense supervision.

29 (2) Persons continuously eligible for (~~the general~~) temporary
30 assistance (~~for~~) for unemployable (~~program~~) recipients under chapter
31 74.08 RCW or assistance for aged, blind, and disabled recipients under
32 chapter 74.08 RCW since July 25, 1987, who transfer to the program
33 established by this chapter, have the option to continue their present
34 living situation, but only through a protective payee.

1 NEW SECTION. **Sec. 11.** RCW 74.04.0052 (Teen applicants' living
2 situation--Criteria--Presumption--Protective payee--Adoption referral)
3 and 1997 c 58 s 502 & 1994 c 299 s 34 are each repealed.

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5 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2010."

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7 Correct the title.

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EFFECT:

(1) Eliminates the Opportunity Portal.

(2) Eliminates the expansion to the Food Stamp Employment and Training Program.

(3) Eliminates the Disability Lifeline Program.

(4) Eliminates the Disability Lifeline Managed Care Transition Pilot Project.

(5) Removes the requirement that individuals no longer eligible for Disability Lifeline Benefits because of improved health status be allowed priority in enrollment in the Basic Health Plan.

(6) Removes the requirement that Disability Lifeline Benefit recipients receive priority for chemical dependency treatment if such treatment may help the person transition to employment or federal benefits.

(7) Eliminates the permanent housing pilot program.

(8) Eliminates the "General Assistance Unemployable Program and replaces it with the "Temporary Assistance for Unemployable Persons Program" and requires the Department of Social and Health Services (DSHS) to adopt rules for implementation.

(9) Allows the DSHS to, by rule, establish methods to limit the number of recipients under the Temporary Assistance for Unemployable Persons Program, which may include a limit on the

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number of months that a person may receive assistance, freeze new enrollment, or setting rules for prioritizing applicants.

(10) Creates a new program called the "Assistance for the Aged, Blind, and Disabled Program" and allows the DSHS to impose limitations on the number of recipients, the scope of services, and the length of time that assistance may be received.

(11) Repeals RCW 74.04.0052 regarding living criteria for teen applicants for public assistance.

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